

**Amendment and Response**

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Applicant(s): Marlyn J. ANDERSON et al.

Serial No.: 09/826,394

Filed: 03 April 2001

For: LOW POWER PORTABLE COMMUNICATION SYSTEM WITH WIRELESS RECEIVER AND METHODS REGARDING SAME

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**Remarks**

The Final Office Action mailed 4 January 2008 has been received and reviewed. The amendments and remarks provided herein are submitted with a Request for Continued Examination. Claims 1, 11-12, 17, 23, 51, and 56 have been amended. Claims 10, 22, 35-44, 55, and 75-78 have been cancelled. Claims 79-92 have been added. Therefore, the pending claims are claims 1-9, 11-21, 23-28, 45-48, and 50-54, 56-74, and 79-92. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments and remarks provided herein.

**The 35 U.S.C. §102 Rejection**

The Examiner continues to reject claims 75-77 under 35 U.S.C. §102 as being anticipated by Fazio (U.S. Patent No. 5,768,397). Applicants respectfully traverse the Examiner's rejection. However, to move the case to issuance, Applicants have cancelled claims 75-77. As such, this rejection is moot at this particular time.

However, Applicant reserves the right to file such cancelled claims at a later date (e.g., as part of a continuing application) and traverse such a rejection based on Fazio if made at that time with respect to such claims.

**The 35 U.S.C. §103 Rejection**

The Examiner rejected claims 1-9, 14-21, 24-28, and 35-44, and 51-60 under 35 U.S.C. §103 as being unpatentable over Fazio in view of Julstrom et al. (U.S. Patent No. 6,694,034). Applicants respectfully traverse the Examiner's rejection. However, to move the case to issuance, Applicants have amended the claims to: cancel claims not allowed or objected to for being dependent on a rejected base claim, rewrite claims objected to by the Examiner for being dependent on a rejected base claim (e.g., either by incorporating the dependent claim in the independent claim or the independent claim in the objected to dependent claim), and add new dependent claims (e.g., to provide a full set of dependent claims on rewritten objected to claims). As such, this rejection is moot at this particular time.

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However, Applicant reserves the right to file any of the rejected claims at a later date (e.g., as part of a continuing application) and traverse such a rejection based on Fazio in view of Julstrom et al.

**Allowable Subject Matter**

Applicants acknowledge the allowance of claims 45-48 (per the Office Action Summary), 50 (per the Office Action Summary), and 61-74 (per page 13 of Final Office Action).

Applicants further acknowledge that claims 10-13 (per page 13 of Final Office Action), claims 22-23 (per page 13 of Final Office Action), and claims 55-56 (per page 13 of Final Office Action, although claim 5 is listed as being rejected per the Office Action Summary), are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 12 have been rewritten in independent form. For example, claim 10 was included in original claim 1 (and claim 10 was cancelled) and claim 12 was written to include the limitations of claim 1. Claims 11 and 13 are dependent on such independent claims. As such, it is believed that these claims are in condition for allowance.

New dependent claims 79-92 were added to provide a full set of dependent claims on the rewritten objected to claim 12. As such, it is believed that these claims are in condition for allowance.

Claim 22 has been rewritten in independent form. For example, claim 22 was included in original claim 17 (and claim 22 was cancelled). Claim 23 is dependent on this independent claim. As such, it is believed that these claims are in condition for allowance.

Claim 55 has been rewritten in independent form. For example, claim 55 was included in original claim 51 (and claim 55 was cancelled). Claim 56 is dependent on this independent claim. As such, it is believed that these claims are in condition for allowance.

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**Summary**

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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2 July 2008  
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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of July, 2008.

By:   
Name: Deb Schurmann

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